

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

ANDREW J. KETTLE, aka Andy Kettle; and
HEATHER P. KETTLE, aka Heather P. Galbraith
SSN xxx xx 4687
xxx xx 9124, Debtors.

Case No. 09-52516 MM

Chapter 7

**NOTICE OF PROPOSED SALE OF REAL PROPERTY; AND SALE FREE AND CLEAR OF LIENS;
NOTICE OF OPPORTUNITY TO OVERBID; AND
NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST A HEARING**
(6025 Meridian Avenue, San Jose, CA)

TO ALL INTERESTED PARTIES:

NOTICE IS HEREBY GIVEN THAT Carol Wu ("Trustee"), Trustee of the estate of Andrew and Heather Kettle ("Debtors") intends to sell certain real property located at 6025 Meridian Avenue, San Jose, CA (the "Property") to Frederick T. Lee and Sunghea Lee for the purchase price of \$625,000.00 (\$623,000 plus \$2,000 credit from broker commission), AS IS, with all faults, without warranties, subject to Court approval, and subject to overbid. True and correct copies of the offer and counteroffers (collectively, the "Offer") are attached as Exhibit "A" to the Declaration of Carol Wu, filed herein ("Wu Decl.").

NOTICE IS FURTHER GIVEN that the minimum initial overbid must be no less than \$630,000. Any person wishing to overbid must telephone the Trustee's real estate agent, Andy Buchanan, at (408) 440-5055 and deliver to him at **Intero Real Estate, 2061 Lincoln Ave., San Jose, CA 95125**, no later than **5:00 p.m. on April 1, 2010**, a written offer to purchase the property for at least the initial overbid amount, on terms not less favorable to the estate than the existing Offer, together with 1) a cashier's check payable to Carol Wu, Trustee, in the amount of \$20,000, as a good faith deposit, and 2) proof of the ability to obtain financing and/or a pre-approval letter. An overbidder must provide a phone number and e-mail address where the offeror can be contacted. Any overbid must be without any contingencies, and the buyer must be ready to close within 30 days of court approval of the sale.

If there is at least one qualifying overbid, the overbidding will be conducted at Interio Real Estate, 2061 Lincoln Ave., San Jose, CA 95125 on April 2, 2010 at 12:00 noon. Bidding will be opened at the highest overbid by the first party submitting such an overbid and will continue in increments of \$5,000 until no further bids remain. Good faith deposits by unsuccessful bidders will be returned at the conclusion of the bidding. The Trustee reserves the right pursuant to her business judgment to determine the best offer, and to reject any overbid. PLEASE TAKE NOTE that in the event of any default in performance following acceptance of the best bid, the \$20,000.00 deposit will be subject to forfeiture, as liquidated damages. By submitting an overbid, the prospective purchaser agrees that the liquidated damages are reasonable in view of all of the circumstances existing on the date of the overbid auction, and that actual damages would be extremely difficult, or perhaps impossible, to ascertain.

The Preliminary Title Report ("PTR") indicates that the Property is subject to certain liens; see copy of the PTR attached to the Wu Decl., as Exhibit B. The Trustee proposes to pay the each of the two deed of trust creditors, or its successors or assigns, all properly charged amounts (i.e., no penalties or unreasonable fees or costs) out of escrow upon sale of the Property, as well as the estate's share of property taxes, costs of sale and the debtors' homestead exemption. The sale will be free and clear of certain judgment liens, as set forth in the Trustee's Motion to Sell Real Property and Sell Property Free and Clear of Liens. The estate has employed a real estate broker, and with respect to any sale has agreed to pay a commission equal to six percent (6%) of the purchase price, shared equally with any cooperating broker, except that if the Lees are the successful purchasers, the Lees' broker will credit 1% of her commission to the Lees, and the Trustee's realtor will credit \$2,000 of his commission to the sale price. The Judgment Lien holders have consented to carve out 35% of each of their respective liens for the benefit of the estate, to be administered by the estate free and clear of their liens. For details, see Motion filed herewith.

NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST HEARING. Any party in interest who wishes to object to the proposed sale must comply with Local Rule 9014-1 of the Local Rules for United States Bankruptcy Court, Northern District of California. Pursuant to B.L.R. 9014-1, an objecting party must file with the Bankruptcy Court and serve counsel for the Trustee with a written objection, and/or a request for hearing no later than 21 days from the date of this notice. In the event a timely notice or request for hearing is filed, the Trustee will obtain a hearing date and give the objecting/requesting party at least 7 days' notice of the hearing. If no objection or request for hearing is timely filed and served, the Trustee may obtain an order approving the sale without a hearing.

DATED AND SERVED: This 17th day of March, 2010.

/s/ Joanne LaFreniere SBN # 158011
Attorneys for Trustee, CAROL WU
STROMSHEIM & ASSOCIATES
201 California Street, Suite 350
San Francisco, CA 94111
FAX (415) 989-2235

1 **PROOF OF SERVICE**

2 In re Andrew J. Kettle, aka Andy Kettle; and
3 Heather P. Kettle, aka Heather P. Galbraith, Debtors, Chapter 7
4 US Bankruptcy Court, Northern District of California Case No. 09-52516

5 I am employed in the County of San Francisco, State of California. I am over the age of
6 eighteen years and not a party to the within case; my business address is 201 California Street,
7 Suite 350, San Francisco, California 94111. On this day I caused to be served the document(s)
8 listed below:

9 **NOTICE OF PROPOSED SALE OF REAL PROPERTY; AND SALE FREE AND CLEAR**
10 **OF LIENS; NOTICE OF OPPORTUNITY TO OVERBID; AND**
NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST A HEARING.

11 on the following parties:

12 **SEE ATTACHED SERVICE LIST**

13 by placing a true copy thereof enclosed in a sealed envelope with first class postage thereon fully
14 paid, in my firm's service center/mailing department. I am readily familiar with my firm's
15 business practices, wherein all correspondence received for processing by the mailing department
16 will be deposited this day in the U.S. Mail at San Francisco, California, in the ordinary course of
17 business.

18
19 I declare under penalty of perjury that the foregoing is true and correct.

20 Executed at San Francisco, California, on March 17, 2010.

21
22 /s/ Micaela Ramos
23 Micaela Ramos
24 Office Assistant
25
26
27
28

Label Matrix for local noticing
0971-5
Case 09-52516
Northern District of California
San Jose
Wed Mar 17 12:31:13 PDT 2010

Marc Andrews
Wells Fargo and Co.
21680 Gateway Center Dr. #280
Diamond Bar, CA 91765-2456

Bank of America
P.O. Box 15026
Wilmington, DE 19850-5026

Barclays Bank Delaware
Attn: Customer Support
PO Box 8833
Wilmington, DE 19899-8833

Capital One
P.O. Box 30285
Salt Lake City, UT 84130-0285

Capital Recovery III LLC
c/o Recovery Management Systems Corp.
25 SE 2nd Avenue, Suite 1120
Miami, FL 33131-1605
Attn: Ramesh Singh

CitiBank
Attn: Bankruptcy Dept.
PO Box 20507
Kansas City, MO 64195-0507

Coldwell Banker
C/O Andy Buchanon
1096 Blossom Hill Rd, Ste 200
San Jose, CA 95123-1238

Creditors Financial Group, LLC
P.O. Box 440290
Aurora, CO 80044-1500

Diversified Adjustment
600 Coon Rapids Blvd.
Coon Rapids, MN 55433-5549

American Express
c/o Becket and Lee
PO Box 3001
Malvern, PA 19355-0701

Anne M. Schauerma
c/o Wells Fargo & Co
21680 Gateway Cent Dr. #280
Diamond Bar, CA 91765-2456

Bank of America
P.O. Box 15184
Wilmington, DE 19850-5184

CA Employment Development Dept.
Bankruptcy Group MIC 92E
P.O. Box 826880
Sacramento, CA 94280-0001

Capital Recovery III LLC
c/o Recovery Management Systems Corporat
25 SE 2nd Avenue, Suite 1120
Miami, FL 33131-1605

Chase Bank USA, N.A.
PO Box 15145
Wilmington, DE 19850-5145

Citibank, N.A.
P.O. Box 26892
San Francisco, CA 94126-0892

County of Santa Clara
Office of the Sheriff-Civil Div
55 W. Younger Ave.
San Jose, CA 95110-1712

Davis & Rubin
c/o P01 Sullivans, Inc.
1 Bowdoin Sq., Ste 901
boston, MA 02114-2919

ED Tucker Distribution
3048 Paysphere Circle
Chicago, IL 60674-0030

American Express Centurion Bank
c/o Becket and Lee LLP
POB 3001
Malvern PA 19355-0701

Atlantic Credit & Finance
P O Box 13386
Roanoke, VA 24033-3386

Bank of America, N.A.
P.O. Box 26012
Greensboro, NC 27420-6012

CA Franchise Tax Board
Attn: Special Procedures
P.O. Box 2952
Sacramento, CA 95812-2952

Capital Recovery III LLC
Care of Recovery Management Systems Corp
As Assignee of HSBC
25 SE 2nd Avenue Suite 1120
Miami FL 33131-1605

Chase Credit Card
Attn: Bankruptcy Dept
PO Box 15298
Wilmington, DE 19850-5298

Clarion Mortgage Capital
6530 So. Yosemite Street
Suite 300
Greenwood Village, CO 80111-5173

County of Santa Clara
Tax Assessor's Office
70 W. Hedding St., East Wing
San Jose, CA 95110-1771

Davis & Rubin
c/o Sullivans, Inc.
1 Bowdoin Sq., Ste 901
boston, MA 02114-2919

ELAVON, INC.
fka: NOVA INFORMATION SYSTEMS, INC.
7300 CHAPMAN HIGHWAY
KNOXVILLE, TN 37920-6612

Fia Csna
PO Box 26012
NC4-105-02-77
Greensboro, NC 27420-6012

Foreman & Brasso
c/o Schleicher Corp.
930 Montgomery St., # 600
San Francisco, CA 94133-4624

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Ft. Lauderdale, FL 33308-5254

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Rigby, ID 83442-5213

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P.O. Box 5914
Sherman Oaks, CA 91413-5914

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6025 Meridian Ave.
San Jose, CA 95120-2726

Heather P. Kettle
6025 Meridian Ave.
San Jose, CA 95120-2726

LC Financial LLC Assignee of Parts Unlimited
P. O. Box 5932
Sherman Oaks, California 91413-5932

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201 California St. #350
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1445 Huntington Dr., Ste 300
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1674 N Shoreline Blvd. #140
Mountain View, CA 94043-1375

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P.O. Box 15760
Wilmington, DE 19850-5760

National City
Att: Bankruptcy Dept
6750 Miller Rd
Brecksville, OH 44141-3262

OHLINS USA, Inc.
703 Old Spartanburg Rd.
Hendersonville, NC 28792-4370

Office of the U.S. Trustee / SJ
U.S. Federal Bldg.
280 S 1st St. #268
San Jose, CA 95113-3004

PRA Receivables Management, LLC
As Agent Of Portfolio Recovery Assocs.
POB 41067
NORFOLK VA 23541-1067

PYOD LLC its successors and assigns as assignee
Citibank
c/o Resurgent Capital Services
PO Box 19008
Greenville, SC 29602-9008

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Pro Circuit
2771 Wardlow Rd
Corona, CA 92882-2869

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14375 Saratoga Ave, # 206
Saratoga, CA 95070-5989

Santa Clara County Dist Atty
Bad Check Restitution Prog
P.O. Box 26370
San Jose, CA 95159-6370

Santa Clara County Sheriff's Office
Office of the Sheriff-Civil Div
55 W. Younger Ave.
San Jose, CA 95110-1712

Scott Performance
2625 Honolulu Ave.
Montrose, CA 91020-1706

Secretary of The Treasury
15th and Pennsylvania Ave. NW
Washington, DC 20220-0001

State Board of Equalization
Attn: Special Procedures Section, MIC:55
P.O. Box 942879
Sacramento, CA 94279-0001

Steve S. Loeb
c/o Kawasaki Motors Finance
2659 Townsgate Rd., #136
Westlake Village, CA 91361-2744

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21680 Gateway Center Drive, Suite 280
Diamond Bar, CA 91765-2456

Wells Fargo Bank, National Association
P.O. Box 6148
El Monte, CA 91734-2148

Wells Fargo Home Mtg
Attn: Bankruptcy Dept
3476 Stateview Blvd.
Fort Mill, SC 29715-7200

Carol Wu
25A Crescent Dr. #413
Pleasant Hill, CA 94523-5508

Ziegler Properties, Inc.
1155 Meridian Ave, #111
San Jose, CA 95125-4331

Zwicker & Associates, P.C.
c/o American Express Cent
199 S. Los Robles Ave., # 410
Pasadena, CA 91101-2438

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Portfolio Rc
Attn: Bankruptcy
120 Corporate Blvd Suite 100
Norfolk, VA 23502

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Klim USA
3753 County Line Rd
Rigby, ID 83442-5213

(u)Marilyn Morgan
San Jose

End of Label Matrix	
Mailable recipients	73
Bypassed recipients	2
Total	75